

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

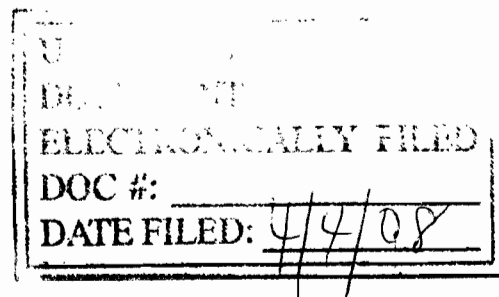
----- X
JAMES WHIPPLE,

Plaintiff,

- against -

C.E. UNTERBURG TOWBIN, INC., et al.,

Defendants.
----- X



**ORDER OF
DISMISSAL**

07 Civ. 10709 (SAS)

The parties having notified the Court that they have nearly reached a resolution of this action,

IT IS HEREBY ORDERED that this action be, and the same hereby is, discontinued with prejudice but without costs; provided, however, that within thirty days of the date of this Order, counsel for any party may apply by letter for restoration of the action to the calendar of the undersigned if the settlement is not effected, in which event the action will be restored.

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Shira A. Scheindlin'.

Shira A. Scheindlin
U.S.D.J.

Dated: New York, New York
April 4, 2008

- Appearances -

For Plaintiff:

Stephen H. Kahn, Esq.
Kahn Opton LLP
228 E 45th St
New York, New York 10017
(212) 966-8686

For Defendants:

Christopher John Collins, Esq.
Kelley Drye & Warren, LLP
101 Park Avenue
New York, New York 10178
(212) 808-7800 x7957